

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2007-0063**

APPROVING GUIDELINES AND AN AMENDMENT TO THE
WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION
(BASIN PLAN) CONCERNING THE DISPOSAL OF DREDGED SEDIMENT

WHEREAS:

1. The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted a revised Basin Plan on June 21, 1995, which was approved by the State Water Resources Control Board (State Water Board) on July 20, 1995 and by the Office of Administrative Law (OAL) on November 13, 1995.
2. The San Francisco Bay Water Board adopted [Resolution No. R2-2005-062](#) on November 16, 2005, incorporating non-regulatory editorial revisions to the Basin Plan.
3. The Long Term Management Strategy for the Disposal of Dredged Material in the San Francisco Bay Region (LTMS) was initiated in 1990, when the San Francisco Bay Water Board joined with the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Conservation and Development Commission, the State Water Board, and representatives from the dredging and environmental communities to ensure adequate dredged material disposal and reuse capacity and protection of aquatic resources over a 50-year planning period. LTMS was also initiated to maximize beneficial reuse of dredged material, improve coordination of the agencies governing these activities, and ensure a more predictable regulatory framework.
4. LTMS agencies developed a Policy Environmental Impact Statement/ Programmatic Environmental Impact Report (PEIR) which examined several possible long-term dredge material management strategies using a programmatic level of analysis. The State Water Board, as the Lead State Agency, certified the PEIR on October 21, 1999. LTMS agencies further prepared a LTMS Management Plan that outlines how the selected alternative will be implemented by each of the involved agencies. The LTMS Management Plan was approved by LTMS agencies in July 2001.
5. The San Francisco Bay Water Board adopted Resolution Nos. 01-064 ([Attachment 1](#)) and 01-065 ([Attachment 2](#)) on June 19, 2001, which together implement LTMS consistent with the selected alternative in PEIR and the LTMS Management Plan.
6. [Resolution No. 01-064](#) amends the Basin Plan to implement the LTMS consistent with the selected alternative in the LTMS PEIR, and the LTMS Management Plan. The selected alternative proposes a reduction of in-Bay disposal, while simultaneously increasing disposal of dredged material at the designated site in the deep ocean and using dredged material as a resource for uses such as wetland restoration, levee maintenance, landfill daily cover, and construction fill.

7. [Resolution No. 01-065](#) adopts the guidelines contained in the 1998 USACE/USEPA Inland Testing Manual and local implementation procedures developed through the Dredged Material Management Office (DMMO) as the appropriate framework for evaluating the suitability of dredged material for disposal at in-Bay disposal sites, and rescinds outdated Resolution Nos. 80-10, 87-53, and 93-009. In addition, [Resolution No. 01-065](#) recognizes the success of DMMO as a review body for dredging and disposal projects in San Francisco Bay and directs staff to continue to participate in this group.
8. The San Francisco Bay Water Board adopted Resolution No. R2-2006-0085 ([Attachment 3](#)) on December 13, 2006, which authorizes the San Francisco Bay Water Board's Executive Officer to make minor, non-substantive changes to the language of the Basin Plan amendment submitted with [Resolution No. 01-064](#), if needed for clarity or consistency.
9. State Water Board staff determined that minor, non-substantive changes to the language of the Basin Plan amendment was necessary to correct minor clerical errors, to improve clarity, and to ensure that the amendment is consistent with the Basin Plan update adopted under [Resolution No. R2-2005-062](#). The San Francisco Bay Water Board's Executive Officer made these minor changes in a memorandum dated April 20, 2007 ([Attachment 4](#)).
10. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans.
11. The San Francisco Bay Water Board prepared a staff report, the environmental checklist, the assessment of environmental impacts, the discussion of alternatives, and other supporting documents pursuant to the requirements of the State Water Board's certified regulatory California Environmental Quality Act process as set forth in California Code of Regulations, Title 23, section 3775, et seq.
12. Water Code section 13245 specifies that Basin Plan Amendments do not become effective until approved by the State Water Board and Water Code Section 13245.5 specifies that guidelines adopted by Regional Water Boards do not become effective until approved the State Water Board. The regulatory provisions of Plans, Policies and Guidelines must also be approved by OAL before they are effective.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan that implements the LTMS as adopted under San Francisco Bay Water Board Resolution No. 01-064 ([Attachment 1](#)) and as corrected by the San Francisco Bay Water Board's Executive Officer ([Attachment 4](#)).
2. Approves the guidelines as adopted under San Francisco Bay Water Board Resolution No. 01-065 ([Attachment 2](#)).

3. Authorizes the State Water Board Executive Director or designee to transmit the approved amendment and guidelines and the administrative record for this action to OAL for approval, and to USEPA for concurrence.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 6, 2007.

AYE: Tam M. Doduc
Gary Wolff, P.E., Ph.D.
Arthur G. Baggett, Jr.
Frances Spivy-Weber

NO: None

ABSTAIN: None

ABSENT: Charles R. Hoppin



Jeanine Townsend
Acting Clerk to the Board